



# Gambling Related Harm APPG

## Gambling Related Harm APPG Minutes

**Date:** Monday 18<sup>th</sup> May 2020

**Time:** 9am

**Location:** Virtual

**Chair:** Carolyn Harris MP

**Minutes taken by:** James Olney, Interel UK

### Members Present

- Carolyn Harris MP
- The Rt Hon. Stephen Timms MP
- The Rt Hon. the Lord Foster of Bath
- Tracey Crouch MP
- Owen Thompson MP
- The Rt Hon. Sir Ian Duncan Smith MP

### External Guests

- Shariar Coupal – The Advertising Standards Authority
- Matt Wilson – The Advertising Standards Authority
- Andrew Taylor – The Committee on Advertising Practise
- Professor Samantha Thomas – Deakin University, Australia
- Katherine Morgan – Interel Consulting UK
- Holly Ramsey – Interel Consulting UK
- James Olney – Interel Consulting UK
- Jo Lloyd – Office of Carolyn Harris MP
- Iain Fraser - Office of Ronnie Cowan MP
- Sophia Worringer – Office of the Rt Hon. Sir Ian Duncan Smith MP

### Minutes of the Meeting – 9am – 10:05am

**CAROLYN HARRIS MP** opened the meeting and welcomed attendees. She asked attendees to introduce themselves and then welcomed **SHARIAR COUPAL** from the ASA.

**SHARIAR COUPAL** thanked **CAROLYN HARRIS** and said that he was glad he attended a fortnight ago because it meant he would be able to reflect on some of **PROFESSOR THOMAS'S** comments in more depth. He noted that he was also joined by **ANDREW TAYLOR**, a specialist in gambling advertising regulation, who may be able to offer further detail where necessary. He said that he would start by talking very briefly about the work they do, the complaints we receive including over the period of lockdown which I think the group is interested to hear in and then a little bit more about children's exposure to advertising and the action we take including the kind of technology we use in order to identify breaches online I'll talk about that and then I want to reflect on some of the key statements that professor Sam Thomas gave with a view to giving some response from the advertising regulator about those statements.

**SHARIAR COUPAL** provided an overview of the work of the ASA as the UK's advertising regulator, who set and police rules to ensure that advertising doesn't mislead, doesn't harm or seriously offend it's audience. The ASA's remit extends across all media - including websites and social media platforms – across all products and service sectors. However, it is not responsible for regulating the actual products and services themselves. That responsibility falls to a range of different bodies to ensure that products are safe to use, effective and that customers dealt with fairly. For example, medicines are regulated by the MHRA, telecoms companies by Ofcom, financial companies by the FCA and gambling products by the Gambling Commission.



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**SHARIAR COUPAL** said that all of these bodies entrust the ASA to be the day-to-day advertising regulator for products and services that fall under their remit. Through formal co-regulatory arrangements, they agree to act as a backstop for any serious breaches or repeated breaches of regulations.

**SHARIAR COUPAL** said that in relation to gambling, the ASA regulates advertising, and the Gambling Commission regulates the products to prevent gamblers coming to harm – an important distinction. Both bodies work within the framework of the 2005 Gambling Act – which seeks to prevent children and vulnerable people being exploited or harmed by gambling advertising.

**SHARIAR COUPAL** stressed that the 2005 Gambling Act was fundamentally a liberalising piece of legislation that removed many advertising prohibitions in place for gambling products and allowed them to be advertised on TV for the first time. The UK has moved from a public policy position where advertising was effectively banned from stimulating demands for gambling to a new and current public policy position where advertising may promote gambling products that are licenced and regulated by the Gambling Commission

**SHARIAR COUPAL** said that it's the ASA's job to ensure that advertising promotes gambling products in a responsible way and in conformity with the evidence-based rules. That means that the ads can only be placed around media content attracting an exclusive or predominantly adult audience and the creative content of the ads must not play on vulnerabilities associated with gambling. For example – they can't suggest that gambling can be a solution to financial concerns, they can't suggest that gambling can take priority over family and friends, boost self-esteem or act as a way to gain control and they can't include any content that appeals more to under-eighteens than to adults.

**SHARIAR COUPAL** said that the ASA never get complaints that suggest an ad has directly led someone to chase their losses, bet more than they can afford or do other things that are classically associated with problem gambling behaviour. He said that some people do chase losses and bet more than they can afford but none of the complaints the ASA receive suggests that someone has done so as a result of advertising.

**SHARIAR COUPAL** said that in cases where the ASA has banned ads on the back of consumer complaints it's done so because of complaints across four key areas:

- Misleading claims for enhanced odds free bets or bonuses. Ads are misleading if they leave out significant conditions associated with promotions - for example an ad would mislead if it left out that winnings from a free bet are actually paid back in gambling credits rather than cash. This comprises most complaints leading to bans.
- Serious offence. Bans in this category can relate to a wide range of issues - for example use of harmful gender stereotypes, disparaging religious beliefs or disrespecting the recently dead.
- Content is likely to appeal more to children to adults. For example ads could be banned if they contain animations or themes linked with childhood. This is a less frequent category of ban.
- Ads directed to child audiences online in circumstances where the gambling operator hasn't taken sufficient care in the targeting of the advertising.

**SHARIAR COUPAL** said that last year the ASA banned 13 gambling ads on the back of consumer complaints. However, the ASA actually ban more gambling ads through the proactive use of technology to identify rule breaking.

**SHARIAR COUPAL** said that over the past three years the ASA has expected to receive between 60 to 100 complaints per month about gambling ads – with gambling ads typically making up about 2% to 3% of annual complaints. In 2020, in the two months from the 1st of March the 28th of April (including ~6 weeks of “lockdown”), the ASA received:

- 179 complaints about gambling ads - in line with the average expected.
- 60% of the complaints related to TV ads - higher than the 45% average.
- 30% related to online ads - in line with the average.
- The remainder related to gambling ads in outdoor media and in the newspapers – as expected as a result of government advice to stay at home, the complaints in that area diminished.

**SHARIAR COUPAL** said that complaints about gambling ads rarely identify a breach of the advertising rules and are usually general in nature. They tend not to identify any category of gambling products, they question whether gambling ads are allowed, they raise concerns about the number of gambling ads and that they object to gambling



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ads being shown at a time when children can see them - no matter that the gambling ad is being shown around the TV programme or media content that attracts a predominantly adult audience.

**SHARIAR COUPAL** said that a lot of people who complain about gambling ads don't approve of gambling. He referenced the point made by **PROFESSOR SAM THOMAS** two weeks previously when she questioned whether gambling is in fact a socially and culturally accepted form of entertainment. **SHARIAR COUPAL** said that for many people in the UK it isn't and that's it's clear that gambling divide opinions - including on moral grounds.

**SHARIAR COUPAL** said that it's not for the ASA to take a moral position on gambling. Their role is to work within the framework of the Gambling Act, to take into account the best available evidence of gambling harm arising from gambling advertising with a view to enforcing rules that protect children and other vulnerable groups.

**SHARIAR COUPAL** said that the ASA's rules allow gambling ads to be placed around media content attracting an exclusive or predominantly adult audience - at least 3/4 of the audience needs to be adults before a gambling advert can be placed within that content. They accept therefore that within an audience dominated by adults children will see gambling ads - but when they do see ads the rules ensure that the creative content of those adverts shouldn't appeal particularly to them.

**SHARIAR COUPAL** said that in response to concerns that children are exposed to too many gambling ads, the ASA has published reports tracking children's average weekly exposure to gambling ads on TV from 2008 to 2019. He echoed **PROFESSOR SAM THOMAS'S** point that simply counting the overall number of number of gambling ads is not a good way of measuring children's exposure to gambling ads - so the ASA's reporting counts occasions when children actually see a spot ad for gambling:

- From a peak of 4.4 ads a week in 2013, children's exposure to gambling ads on TV has declined and stabilised in recent years.
- In 2019 children now see on average 2.5 gambling ads per week (the variance within an average means that some children will see more, and some less or none).

**SHARIAR COUPAL** clarified that this figure relates to commercial spot advertising only and not to programme sponsorship credits or in programme references - for example references to gambling companies on football shirts or stadium signage. Sponsorship and in-programme reference to gambling operators falls outside the remit of the ASA.

**SHARIAR COUPAL** noted that of the 2.5 gambling adverts seen by children each week, the majority are National Lottery, scratch cards, and bingo adverts. One average, children see one advert a week for betting or casino games.

**SHARIAR COUPAL** said that it's much more complicated to assess children's weekly exposure to ads online because it would involve tracking children's exposure across different connected devices and different online properties – including different website platforms and apps - some of which are then logged-in environments and some which are open-access environments.

**SHARIAR COUPAL** said that instead the ASA focus their online regulation on using technology to proactively identify gambling ads that have been delivered to child audiences in breach of our rules. This particular activity is important because children don't complain to the ASA and adults shouldn't be expected to monitor the ads that children see online.

**SHARIAR COUPAL** noted that **PROFESSOR THOMAS** referred to this issue when she talked about the hidden nature of social media advertising – but it is not hidden from the ASA. They use technology to enable them to see the adverts that children can see online and take action when they see a problem. The ASA use online scraping tools to continuously monitor children's websites and YouTube channels to identify any gambling adverts placed around those sites in breach of the rules. For websites and YouTube channels that attracted mixed age-groups the ASA also use online avatars that mimic the web browsing profile of children to identify when a gambling operator has delivered a gambling advert to a child audience segment and where they've not taken sufficient care in their use of known or inferred data about an audience to target their gambling adverts away from children. For this use of technology the ASA have received acclaim from HM Government and have attracted interest from regulators in America and elsewhere.



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**SHARIAR COUPAL** said that the ASA's experience is that the overwhelming majority of gambling operators do take care to target adverts away from children and the handful that haven't had been sloppy rather than wilful in their mis-targeting of ads. In cases where they identified these breaches, they then worked with the Gambling Commission to approach the operators to make sure that they don't see any repeated incidents of non-compliance.

**SHARIAR COUPAL** said that on the basis of the complaints that the ASA receive, the proactive monitoring they deliver and the research they've seen, their view is that in respect of gambling advertising there is actually a high rate of compliance with the UK advertising codes – a lot of which is owed to the training and advice the ASA deliver directly to gambling operators through webinars, site visits and online guidance.

**SHARIAR COUPAL** also mentioned that the ASA deliver a pre-publication advice service to non-broadcast advertising. Broadcast media, TV and radio channels in the UK won't accept adverts unless reviewed by "Clearcast" for TV and "Radio Centre" for radio.

**SHARIAR COUPAL** said that **PROFESSOR THOMAS'S** research and the research of others have already played an important role in helping the ASA to develop and strengthen its rules and guidance over the last 12 years. They don't believe that they are complacent about their regulation of gambling advertising and know they need to take into account the best available evidence to inform the rules and know they need to keep up with the pace of change to regulate effectively for an increasingly online audience.

**SHARIAR COUPAL** noted that **PROFESSOR THOMAS** said that she was concerned about a lack of comprehensive regulation on all forms of gambling marketing and advertising, and that regulations haven't kept up with media changes. He also noted her point that if further regulation is only imposed on TV advertising, adverts will simply emerge on digital platforms as companies seek to circumvent regulations, and her observation that in the UK there is a heavy reliance on industry self-regulation with a need for Government to extend regulation across all channels - including digital media channels.

**SHARIAR COUPAL** said that in the UK it is the Government and not industry that determines that protections should be afforded across broadcast media. He explained that the UK advertising codes administered by the ASA set out the broadcast and non-broadcast remit of regulation in detail - so the Group should be clear that the ASA's regulation extends across broadcast and non-broadcast. This is required by the Gambling Act 2005 and implemented by the ASA. The regulations apply across all forms of advertising - TV, radio, print, outdoor, cinema, direct Mail, mobile apps, websites and social media. Compliance with the rules is mandatory, not voluntary. The ASA is confident that together with Ofcom and Gambling Commission - who work as their backstop powers – they deliver multimedia regulation for multimedia lives.

**SHARIAR COUPAL** said that the ASA do not, however, regulate sponsorship credits of TV programmes -which fall under Ofcom's remit - and they don't regulate sponsorship of sports teams and sports venues. He noted that **PROFESSOR THOMAS** had particular concerns about the impact of such sponsorship on children in the UK and abroad given the popularity of English sport leagues.

**SHARIAR COUPAL** noted that **PROFESSOR THOMAS** also raised concerns about gambling adverts seen by children on YouTube, Instagram, Snapchat and TikTok. He clarified that the ASA's rules do cover YouTube, Instagram, Snapchat, TikTok and other social media platforms and that the ASA have banned plenty of adverts on those sites. He explained that whilst the ASA's monitoring technology extends to sites like YouTube where users don't have to log in - and many don't - their technology doesn't currently extend to logged-in accounts on the likes of Instagram, Snapchat, TikTok, Facebook and similar.

**SHARIAR COUPAL** explained that there are important ethical and proper use considerations when creating fake child accounts on these sites as part of monitoring activity. The ASA has in the past worked with parents and children to monitor adverts seen by children on their Facebook accounts – and the research is available online. However, they are now looking to establish a digital, rather than analogue, approach to monitoring online and are currently working with online platforms to get access to logged-in marketing.

**SHARIAR COUPAL** noted that **PROFESSOR THOMAS** cited a number of factors which led her to conclude that gambling advertising seen by children – though as she said not necessarily directed at them - may play a role in positively shaping their gambling attitudes and consumption intentions. He was interested to hear this because it's similar to the new evidence published by Ipsos Mori on behalf of Gamble Aware which the ASA is currently reviewing.



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The Gamble Aware study is important because of its scale, its involvement of UK participants and its inspection of gambling ads targeted at or received by an audience – which, in the ASA’s experience, is a relatively rare combination of factors in the field of gambling advertising research. He noted that, similar to **PROFESSOR THOMAS**, the Gamble Aware research concludes that engaging with gambling advertss and developing brand awareness alongside other factors like parental gambling and attitudes of parents and peers have a part to play in children becoming more susceptible to gambling in the future. Also, in both cases researchers called for longitudinal research to see whether those intentions ultimately leads to gambling participation.

**SHARIAR COUPAL** said that as the ASA reviews both pieces of research they’ll weigh the evidence of intention against other evidence that they’re aware of - for example, the 2019 Gambling Commission’s Children and Young Persons Report shows a clear downward trends in children’s participation in gambling from 23% in 2011 to 11% in 2019 (relating to private bets, use of a fruit machine and National Lottery scratch cards). Effectively, at time when it’s accepted that the number and variety of devices that allow children to connect with the Internet has exploded, and there’s been a significant increase in online marketing spend of gambling operators, child gambling participation rates have halved.

**SHARIAR COUPAL** noted that it’s also the case over the same period that problem gambling figures have remained steady. The 2018 Health Survey showed that:

- 2.7% of people were at low risk of problem gambling.
- 0.8% were at moderate risk.
- 0.5% were classified as problem gamblers.

**SHARIAR COUPAL** noted that **PROFESSOR THOMAS** concluded on the back of her findings that she’d like to see a comprehensive ban on all forms of gambling advertising to reduce harm in children. He believes that the Gamble Aware research and **PROFESSOR THOMAS’S** research – particularly into the use of colour and effects of certain promotions on reducing people’s perceptions of risk - requires the ASA to look again if their rules are in the right place but he does not believe that the findings in relation to developing intentions to gamble necessarily presents a clear-cut case for an outright ban on gambling advertising. He further noted that this would not be the case under the terms of the current Gambling Act given the public policy position it states nor on the basis of evidence presented to the ASA.

**CAROLYN HARRIS MP** asked **SHARIAR COUPAL** if he believes that the ASA has been successful.

**SHARIAR COUPAL** said that it depends on what is meant by success. He believes that the ASA has been successful in reviewing the latest available evidence to ensure that our gambling advertising rules are in the right place. He noted that the ASA always consult on their reviews of the Codes, and set out their thinking publicly, but with a divisive issue like Gambling, people will often have different measures of success. He noted that those who complain to the ASA and have a clearly expressed a personal objection to gambling would say that the ASA has not been successful because they don’t want to see gambling advertising, or even gambling products. However, as a regulator, the ASA has to work within the public policy position established by the Gambling Act, with regard to the best available evidence. He believes that in this regard, the ASA has been unquestionably successful, including in using technology to ensure that they have sight of the same advertising online that children do – which is especially important given that children cannot be expected to complain, nor guardians to keep a constant look for misplaced advertising.

**CAROLYN HARRIS MP** noted that **SHARIAR COUPAL’S** phrasing about people who complain suggested that they only complain about gambling advertising because they want to see gambling outlawed – which has parallel’s to the industry’s unreasonable narrative on the Group as prohibitionists.

**CAROLYN HARRIS MP** asked if **SHARIAR COUPAL** has confidence in the Gambling Commission, if the ASA has a direct relationship with gambling industry organisations like the Betting and Gaming Council or individual operators, or if all such contact goes through the Gambling Commission.

**SHARIAR COUPAL** said that the ASA has a wide range of stakeholders, and the Gambling Commission a broad range of responsibilities – the ASA only has a relationship with them in relation to their work on gambling advertising. He characterised the relationship between the ASA and the Commission as a good one, with contact on a regular basis – at least monthly, sometimes weekly. He noted that the ASA is also in regular contact with the Department for Culture, Media and Sport.



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**CAROLYN HARRIS MP** asked again if the ASA has regular communication with the gambling industry.

**SHARIAR COUPAL** said that the ASA does not have regular meetings with the industry, but do attend industry events as part of their communications work on responsible advertising. The ASA is unashamed about that and will also attend operators sites to deliver training on responsible advertising – and has been to visit operators based in Gibraltar and Malta. He noted that when the ASA consult on changes to the Codes and guidance, they receive a wide range of responses – from the industry, individuals and faith-based groups. The ASA welcomes all responses to help them ensure that they are getting the balance on regulation correct, and that the rules are both proportionate to the evidence and the legislative framework.

**CAROLYN HARRIS MP** noted that the provisions in the Advertising Codes prohibit the targeting of under-18s with gambling advertising, the placement of ads in media for under-18s, or in media where under-18s are likely to comprise more than 25% of the audience. She asked why the figure has been set at 25%.

**SHARIAR COUPAL** said that when he refers to proportionality, he means that it is important to look at all aspects of the ASA's regulatory action. He said that gambling is a legitimate product in the UK and it is legitimate for gambling operators to target an adult audience with advertising - the question therefore for the ASA is if permitted audiences for advertising be exclusively adult – which, if the case, would mean that most gambling advertising would be prohibited – or a proportionate balance of demographics. The ASA's view is that (and is also the same for alcohol advertising and the advertising of other restricted products such as medicines and foods high in fat, salt and sugar) that's at least 75% of the audience should be adults before gambling advertising is permitted. He noted that some may say that the proportion should be higher, some lower – but the ASA believes that they have achieved the right balance.

**MATT WILSON** added that the under 18 percentage of population is roughly 20% - so an audience of 75% adults would roughly accord to an over representation of under eighteens in an audience and it could be said that the audience skews toward that demographic.

**CAROLYN HARRIS MP** said that allowing up to 25% of an audience to be under-18 potentially means that gambling adverts are reaching hundreds of thousands of young people under-18. She asked if the ASA considers that to be a dangerous situation?

**SHARIAR COUPAL** said that the ASA accept that and that it's clear that there have been some public policy concerns about the number of children who are reached by gambling or alcohol advertising. He reiterates that though the ASA accept that children will see gambling ads, nothing in that advert should speak to them, and the content should not appeal to them in any way.

**CAROLYN HARRIS MP** asked why the ASA are not following the latest international evidence about the types of adverts that most influence children – such as inducements, which create a reduced perception of risk, or celebrity ads which build trust in the gambling activity.

**SHARIAR COUPAL** said that the ASA are in the process of reviewing this with a view to consulting in the summer. He noted that evidence from GambleAware and **PROFESSOR THOMAS** has produced suggests that on review of the content of gambling advertising there actually might be greater appeal to under 18s than had previously been thought.

**CAROLYN HARRIS MP** asks if **SHARIAR COUPAL** would accept that the ASA's rules, like the 2005 Gambling Act, are based on an a analogue piece of legislation unfit for the digital era?

**SHARIAR COUPAL** responded that there are two elements to the question – on one hand there is the issue of the appeal of content - and the ASA's content rules apply across all media. The challenge to the ASA is whether or not we're getting it absolutely right in terms of restricting certain types of appeal of content – which they need to look at – and in particular the extent to which inducements might play a role in inappropriately reducing perceptions of risk. The second element is in relation to the efficacy of the Gambling Act – and he doesn't see that the issue has anything to do with the Act being in or out of date, but has everything to do with the regulator keeping up with the latest available evidence – which the ASA is committed to doing.

**MATT WILSON** added that the ASA has already issued rulings on the issue of advertising and risk perception. Though an ongoing live project of assessing recent evidence the ASA will put the bar in the right place and if it needs to go up, it will be put up.



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**CAROLYN HARRIS MP** asked if the current “safer” gambling advertising – intended to replace gambling operators usual adverts through lockdown – are working, or if the affect is the same as the usual type of advertising – in that consumers are exposed to the brand and are influenced by that.

**SHARIAR COUPAL** said that he doesn't have a view and that the changes to advertising aren't required by the ASA's rules. He noted that he heard the evidence presented at the previous session, and the views of **DANNY CHEETHAM** – whose view was that those safer gambling messages were ineffective. Though he respects **DANNY CHEETHAM'S** opinion, it's not something that the advertising regulations require of gambling operators. The ASA previously did some research that suggested health and wealth warnings on products such as gambling might actually lead people to see them as something risky, sexy and fun – potentially leading them counterproductively to view them as something to aspire to.

**LORD FOSTER** quoted from a report that suggested that there was no evidence nor any research which proves that there is any causal link between gambling advertising and problem gambling. He asked if the ASA agreed, and if that is the case if such research should urgently be done. He noted that in some other countries they seem to believe there is such a link - Italy has banned all gambling advertising.

**SHARIAR COUPAL** said that all advertising has potential to harm, seriously offend or mislead. It's the ASA's view that gambling advertising clearly has the potential to trigger problem gambling or to endorse or encourage problem gambling behaviours. He noted that the ASA has seen some egregious examples of affiliate based gambling advertising which comes very close to doing encouraging such unacceptable behaviours and the ASA has worked with the Gambling Commission to sanction those responsible.

**SHARIAR COUPAL** said that on the broader question of whether or not gambling advertising per se causes harm, the ASA's view is that gambling advertising in compliance with the UK advertising rules is unlikely in itself to cause harm. He referred back to his comments on the strong relationships between the ASA and the regulatory bodies dedicated to ensuring that products and services are safe to use and their customers dealt with fairly – in this case the role of the Gambling Commission. If there were no confidence in the safety of a product, then no advertising could be considered responsible for channelling consumers to those products. However, his view is that the UK has a well regulated gambling sector, and that the ASA believe that they are getting the balance right in ensuring that the advertising of those products is compliant with the rules on the content and placement of ads.

**SHARIAR COUPAL** said tha he believes that too many stakeholders are quick to embrace binary opinions on gambling advertising – not just in relation to gambling but to other products like alcohol and payday loans – and that there must a proportionate level of regulation. Though he believes that they are getting the balance right, that is not to say that the rules and guidance can't be adapted in the future.

**LORD FOSTER** asked, building on the ASA's experience but as an individual with an understanding of the issues, what changes to advertising regulation he would like to see.

**SHARIAR COUPAL** said that the ASA recognise that the Gambling Act was created in 2005 and no one can hope for the Act in and of itself to evolve on a yearly basis. What is important is that regulatory bodies assigned by the Act to afford protection the UK public keep up with the latest available evidence. His view is that they have done so and that the ASA's rules, guidance and enforcement has evolved over the last 12 years.

**SHARIAR COUPAL** said that the question now is if the ASA is in the right place. His view is that the latest available evidence suggests that they should look again at the appeal of content of those adverts to ensure as far as possible that they are not speaking to an under-18 audience and that there is a question mark to the extent to which inducements for enhanced odds, free bets and bonuses may reduce perceptions of risk in ways that the ASA hasn't been able to determine through case by case investigations alone.

**SIR IAN DUNCAN SMITH MP** asked what the point of gambling advertising actually is? He notes that the advertising of cigarettes was banned because it was considered harmful, and asked whether or not the ASA believe gambling advertising is harmful.

**SHARIAR COUPAL** noted that the contrast with tobacco legislation is made regularly. He doesn't think that anyone would consider that there's any such thing as a benign cigarette and thus the question is if it is possible within the framework of the current regulations to gamble responsibly as a part of a legitimate leisure activity.



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**SIR IAN DUNCAN SMITH MP** asked what, specifically, is the purpose of gambling advertising other than to get more people to gamble? Does that appear to the ASA to be harmful? If gambling advertising was prohibited tomorrow, what effect would that have on gambling?

**SHARIAR COUPAL** said that a ban would be welcomed by some operators who have a foothold in the market and not welcomed by other operators who don't. Like any advertising, the point is to form an audience, provide choice and is seen to work well in markets in which competition is helpful for the consumer. He said that the government feel that a well-regulated gambling market is acceptable within the context of the regulations and the protections they afford – and so ultimately gambling advertising provides choice and information for people who want to gamble and want to gamble responsibly.

**SIR IAN DUNCAN SMITH MP** asked **SHARIAR COUPAL** if he is making an assumption that everyone exposed to gambling advertising wants to gamble responsibly?

**SHARIAR COUPAL** said that he is not.

**SIR IAN DUNCAN SMITH MP** said that it therefore must cause harm. If you examine the targeting of gambling advertising, it is targeted directly and increasingly at those who already lose money gambling. It must by its very definition therefore be harmful if it increases harmful gambling. The purpose of advertising by gambling organisations is to increase the amount of gambling done by those who lose money – it's the way the operators make their money. Therefore, gambling creates harm and the advertising supports the harmful aspects of this.

**SHARIAR COUPAL** said that it would depend on the threshold of harm. If you if you consider those who bet within their means, enjoy gambling and don't go on to show any signs of problem gambling are harmed, then it is likely that you will come to the conclusion that all gambling advertising is harmful. However, that is not his understanding of the threshold of gambling harm as determined by institutions who look at problem gambling behaviours. He would therefore not agree with that interpretation.

**SIR IAN DUNCAN SMITH MP** questioned his approach, and said that he doesn't understand how advertising of a business model that is designed to get people to gamble more, incentivises them to do so and targets those with historic record of losses cannot be considered harmful, if more money lost by more people ensures that they face more problems.

**SHARIAR COUPAL** replied that this is where the distinction between the gambling advertising regulator (the ASA) and license regulator (the Gambling Commission) comes in. He hoped that the Gambling Commission works with the licence operators to ensure that they have triggers and measures to understand whether there are signs of problem gambling and to act on those triggers to ensure that people don't gamble more than they should. He said that the ASA have often work alongside sectoral regulators, and that their role in particular is to ensure that any gambling advertising that promotes the demand for gambling is done so in a responsible way. As such, there is also a secondary backstop in the form of the Gambling Commission that ensures that any triggers of problem gambling are identified and acted on – for which you would have to ask the Gambling Commission about.

**SIR IAN DUNCAN SMITH MP** noted that sport-related advertising often targeted at young men, and often insinuates that you can be smart and beat the odds. He asked if the ASA has advised the Gambling Commission that this style of advertising in trying to persuade young people that the gambling process is a net positive rather than a negative is harmful.

**SHARIAR COUPAL** said that any advert that suggested a member of public could be the odds would be in breach of advertising rules, and that the ASA would take action as it has with two or three adverts along those lines. He said that he would be happy to bring examples to the Group about how the ASA has dealt with similar styles of advert in the past.

**TRACEY CROUCH MP** asked two questions. Firstly, if, following on from PROFESSOR THOMAS'S presentation at the last session, if the ASA has done any research into the types of advertising that women are particularly susceptible to, such as bingo advertising (which operates under different rules to betting), and secondly what changes would the ASA like to see to the current legislative and regulatory framework in the forthcoming Gambling Review.





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**SHARIAR COUPAL** said that the ASA hasn't done any specific research on the impact of certain types of gambling advertising by gender – though he noted that some of the specific differences around advertising were down to rules set by the industry. He also referred to the work that the ASA has previously done around harmful gender stereotypes and noted that Sarah Harrison, Chairman of the Gambling Commission, had commented on institutional issues within the gambling industry around gender stereotypes – though thankfully these were not themes that the ASA saw repeated in gambling advertising itself, but was something for the industry to reflect on.

In relation to the Gambling Review, **SHARIAR COUPAL** said that the ASA was more than happy to support DCMS, and was glad that the Gambling Commission had now made it a license condition that operators had to comply with their rules. He noted that it was important to demonstrate how changes such as these could happen outside legislation but within the current framework – to demonstrate the effectiveness of the current system. The ASA do not have any specific requests of Government in the forthcoming review, but are more than happy to provide specialist insight if helpful.

**PROFESSOR THOMAS** added that she would provide the Group with written responses considering some of the points raised, and in particular wanted to highlight the constant use of the word balance throughout the session. She queried if it was inconsistent with the requirements of the Gambling Act, which laid a duty to prevent children and other vulnerable adults from being harmed – and that the suggestion of “balance” becomes one of those harmed and those not.

**SHARIAR COUPAL** finished by reiterating that he believes that there is clearer evidence now surrounding intentions to gamble and a need for a betting understanding via longitudinal research around whether or not those intentions manifest not just in gambling participation but in gambling harm. He also noted that the ASA's role was to proportionately interpret the legislation in line with the best available evidence – which they believe that they are doing.

**CAROLYN HARRIS MP** thanked attendees for coming and closed the session at 10:05am.